IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CHAMBER SUMMONS NO.714 OF 2007
IN
CHAMBER SUMMONS NO.1499 OF 2002
IN
CHAMBER SUMMONS NO.1188 OF 2005
IN
CHAMBER SUMMONS NO.16 OF 2006
IN
EXE. APPLICATION NO.154 OF 1999
IN
SUIT NO.2562 OF 1998

M/s. Swift Finlease (India) Limited .. Plaintiff
v/s.
M/s. Panchal Sleek Plast Pvt.Ltd. .. Defendant
And
Union Bank of India .. Applicant

Mr.Shailesh Shah i/by Mr. H.V. Kode for the plaintiff.
Mr. N.R. Tiwari i/by M/s. V.B. Tiwari & Co. for the applicant.

CORAM : A.M. KHANWILKAR, J.
DATED : 15TH JUNE, 2007

P.C.

The preliminary objection is taken on behalf of the plaintiff about the maintainability of the present chamber summons. My attention is invited to the reliefs claimed in the chamber summons No.1188 of 2005 which was taken out by the same applicant. The reliefs are identical to one prayed in the present chamber summons. The applicant itself has annexed the copy of the said chamber summons at page 35. The order passed on the said chamber summons on 14th November, 2006 is at page 79 which clearly records that the chamber summons has been dismissed for non-prosecution. If the earlier chamber summons has been dismissed for non-prosecution, the applicant

cannot be permitted to file fresh chamber summons. The applicant has been ill-advised. The applicant to take recourse to such other remedy as may be permissible by law but this chamber summons, as rightly contended by the plaintiff, is not maintainable. Hence dismissed with liberty to the applicant to take recourse to such other remedy as may be permissible by law which will be decided on its own merits.

2. Counsel for the applicant submits that limited protection may be granted to the applicant as the seal is likely to take place on 21st June, 2007. There is enough time to the applicant to seek appropriate orders in the proposed proceedings if they are so advised. Hence the prayer for limited protection cannot be accepted.

(A.M. KHANWILKAR, J.)